

In the Claims:

Please cancel Claims 2, 10 and 16-24, and amend Claims 1, 3, 12, and 25-27 as indicated below. The status of all claims is as follows:

1. (Currently Amended) An isolated DNA molecule comprising the polynucleotide sequence of SEQ ID NO: 1 ~~and which encodes the promoter region of the myostatin gene, or a fragment thereof, or variant thereof which has been modified by the insertion, substitution or deletion of one or more nucleotides, said fragment and variant of said polynucleotide sequence having substantially equivalent function thereto.~~

2. (Cancelled)

3. (Currently Amended) An isolated DNA molecule selected from the group consisting of:

- a) a DNA molecule that is at least 75% identical to a DNA molecule of SEQ ID NO: 1; and
- b) a DNA molecule that hybridises under stringent conditions to a DNA molecule of a);

wherein the DNA molecule is able to drive expression of a
heterologous gene operably linked thereto

4. (Original) An isolated promoter sequence comprising of at least a portion of the polynucleotide sequence of SEQ ID NO: 1 sufficient to drive expression of a heterologous gene operably linked thereto, or a variant thereof having substantially equivalent function thereto.

5. (Original) An isolated promoter sequence as claimed in claim 3, wherein said promoter is tissue specific.

6. (Original) An isolated promoter sequence as claimed in claim 4, wherein said promoter is specific for driving expression in muscle cells.

7. (Previously Presented) An isolated promoter sequence as claimed in any one of claim 4 comprising the bovine myostatin promoter or a fragment or variant thereof.

8. (Previously Presented) A recombinant cloning vector comprising the DNA molecule as claimed in claim 1.

9. (Original) A host cell transformed or transfected with the recombinant cloning vector as claimed in claim 8.

10. (Cancelled)

11. (Previously Presented) A recombinant DNA construct comprising the promoter sequence of any one of claim 4, operably linked to a coding sequence of a gene of interest.

12. (Currently Amended) A recombinant DNA construct as claimed in ~~claim 19~~ claim 1 wherein the gene of interest is selected from the group consisting of myogenic regulatory factors, myostatin and myostatin receptors, oncogenes, genes that regulate muscle growth and differentiation, muscular dystrophy, and any other gene expressed in muscle.

13. (Previously Presented) A vector containing the DNA construct as claimed in claim 11.

14. (Original) A host cell transformed or transfected with the vector as claimed in claim 12.

15. (Previously Presented) A method of cloning the DNA molecule as claimed in claim 1 comprising the steps:

- a) inserting the isolated DNA molecule into a suitable replicable cloning vector;
- b) transforming or transfecting a host cell with said vector in vitro;
- c) culturing host cells; and
- d) isolating cloned DNA molecule.

16-24 (Cancelled)

25. (Currently Amended) An isolated promoter sequence as claimed in claim 3 wherein said portion of the polynucleotide sequence of ~~SEC~~ SEQ ID NO: 1 comprises a sequence from 7103 To 11402 bps.

26. (Currently Amended) An isolated promoter sequence as claimed in claim 3 wherein said portion of the polynucleotide sequence of ~~SEC~~ SEQ ID NO: 1 comprises a sequence from 8803 to 10402 bps.

27. (Currently Amended) An isolated promoter sequence as claimed in claim 3 wherein said portion of the polynucleotide sequence of ~~SEC~~ SEQ ID No: 1 comprises as sequence from 9003 to 10402 bps.